

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSEPH MUNDY,

Plaintiff,

v.

LIFE INSURANCE COMPANY OF NORTH
AMERICA, *et al.*,

Defendants.

Case No. 08-cv-01576

Hon. Elaine E. Bucklo

**YELLOW TRANSPORTATION COMPANY'S
UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER OR
OTHERWISE RESPOND TO PLAINTIFF'S SECOND AMENDED COMPLAINT**

Yellow Transportation Company, Inc., ("Yellow"), respectfully moves the Court for an extension of time, until September 8, 2008, to file its Answer to Plaintiff's Second Amended Complaint. Yellow states the following in support of its Motion:

1. Plaintiff's Amended Complaint includes two counts: Count I, directed against Yellow Transportation Company, Inc., is a state law breach of contract claim against Yellow, seeking short-term disability benefits under Yellow's Short Term Income Replacement Plan. Count II, directed against Life Insurance Company of North America and the Yellow Roadway Corporation Long-Term Disability Benefits Plan, is claim for benefits under an ERISA plan. Yellow is not a party to Count II.

2. Yellow filed a motion to dismiss Count I, which the Court denied on August 11, 2008. Pursuant to Fed. R. Civ. P. 12(a)(4)(A), Yellow's Answer to Count I is presently due on August 25, 2008.

3. Yellow and Plaintiff are presently attempting to negotiate a settlement of Plaintiff's claim against Yellow which, if successful, will render Yellow's Answer moot.

4. Yellow therefore requests a brief extension of time to file its answer, to allow Yellow and Plaintiff to complete their settlement negotiations and possibly resolve Count I.

5. Plaintiff and the other Defendants do not object to this motion.

WHEREFORE, for the foregoing reasons, Yellow Transportation Company, Inc. requests an extension of time, until September 8, 2008, to file its answer to Count I of Plaintiffs' Second Amended Complaint.

Respectfully submitted,

YELLOW TRANSPORTATION COMPANY,
INC.

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Dated: August 25, 2008

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby states that a true and correct copy of the foregoing **DEFENDANT YELLOW TRANSPORTATION, INC.'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S SECOND AMENDED COMPLAINT**, has been filed with the Clerk of the Court using the CM/ECF system on this 25th day of August, 2008, which will send notification to the following counsel of record:

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